IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WA.No. 1689 of 2007()

AGAINST THE JUDGEMENT IN WPC.27959/2005 Dated 01/06/2007

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APPELLANT: ADDL.4TH RESPONDENT

T.K.PRABHAKARAN,
ASST.EXECUTIVE ENGINEER, MVIP SUB DIVISION NO.1,
MUTTAM, THODUPUZHA.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV

RESPONDENTS: PETITIONERS & RESPONDENTS 1 TO 3

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1. SUJATHA C., HEAD D'MAN, MINOR IRRIGATION CIRCLE,
O/O ASST. EXECUTIVE ENGINEER, ERNAKULAM.

2. SUJA MATHEW,ASSISTANT DIRECTOR, HYDROLOGY SECTION,
ALUVA.

3. GOVERNMENT OF KERALA,
TRIVANDRUM, REPRESENTED BY CHIEF SECRETARY,
KERALA STATE, TRIVANDRUM.

4. THE SECRETARY TO GOVERNMENT,
WATER RESOURCES DEPARTMENT,
KERALA STATE, THIRUVANANTHAPURAM.

5. THE CHIEF ENGINEER,
IRRIGATION AND ADMINISTRATION,THIRUVANANTHAPURAM.

BY ADV. SRI.K.S.MENON FOR R1 & R2
BY GOVT. PLEADER SRI.BENNY GERVASIS FOR R3 TO R5

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.1689 of 2007
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Dated this the 23rd day of July, 2007.

JUDGMENT

Radhakrishnan,J.

Fourth respondent has filed this appeal aggrieved by some of the observations made by the learned single Judge in paras 2 and 3 of the judgment. Going by the judgment, it is clear that the writ petitioner did not press the first relief. Second relief was for a direction to frame new rules or amend the existing rules as stated in Ext.P3 judgment and considering Ext.P4 immediately, giving effect to Ext.P2 to the Irrigation Department. Though the second relief was not granted by the learned single Judge, the learned Judge made certain observations in the last two paragraphs, which in our view was not necessary for the disposal of the case. We make it clear, it is for Rule Making Authority to examine the grievance raised by the petitioners, uninfluenced by those observations.

Writ Appeal is disposed of as above.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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